



NYCLU

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May 29, 2014

By ECF

Hon. Cathy Seibel
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Barboza v. Village of Liberty*, 13 CV 4067 (CS)

Dear Judge Seibel:

On behalf of the plaintiff, we write to notify the Court that we are prepared to proceed with the currently scheduled dispositive motions practice without an expert, but to request that we be allowed to reserve the right to retain an expert for trial should the case proceed past summary judgment. Counsel for defendants have advised us that they do not object to this request.

Under the current scheduling order, fact discovery ends on May 30, 2014, and dispositive motions practice begins on July 18, 2014. When this schedule was set during the March 7, 2014 court conference, the Court invited the plaintiff to notify the Court if the plaintiff decides to retain an expert and needs an expert discovery period after fact discovery.

At the close of fact discovery, the plaintiff believes that he can prevail on the summary judgment motions that he intends to file without retaining an expert. If the Court finds issues on which this case should proceed to trial, however, the plaintiff would like an opportunity after the Court's decision on the dispositive motions to re-evaluate whether to retain an expert and to set an expert discovery schedule if an expert is retained. We believe that this would be the most efficient way to proceed with the case.

Respectfully submitted,

Mariko Hirose

New York Civil Liberties Union Foundation

Stephen Bergstein
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Counsel for Plaintiff

cc: Adam Rodd, Esq.; Samuel Yasgur, Esq.